

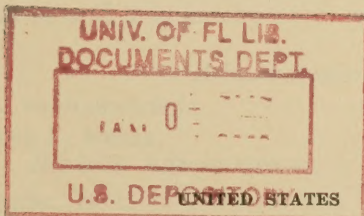
NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

PIPE ORGAN INDUSTRY

AS APPROVED ON JANUARY 16, 1934



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Approved Code No. 210

CODE OF FAIR COMPETITION

FOR THE

PIPE ORGAN INDUSTRY

As Approved on January 16, 1934

ORDER

APPROVING CODE OF FAIR COMPETITION

FOR THE

PIPE ORGAN INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Pipe Organ Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

GEORGE L. BERRY,
Division Administrator.

WASHINGTON, D.C.,
January 16, 1934.

The PRESIDENT,
The White House.

SIR: A Public Hearing on the Code of Fair Competition for the Pipe Organ Industry, submitted by the National Association of Organ Builders, located at 45 West 45th Street, New York, N.Y., was conducted in Washington on the 8th of November, 1933, in accordance with the provisions of the National Industrial Recovery Act. The Association claims to represent 95 per cent of the Industry.

The maximum hours permitted under this Code for factory employees are forty (40) hours in any one (1) week provided, however, that this limit may be extended to a maximum of forty-eight (48) hours in any one (1) week, for a total of not to exceed twelve (12) weeks in any twelve (12) month period, and provided further that time and one third shall be paid for all hours per week over forty (40). For clerical and office employees a maximum of forty (40) hours in any one (1) week is permitted, except that inventory and statistical employees may be permitted to work a maximum of forty-eight (48) hours in any one (1) week for a total of not to exceed three (3) weeks in any six (6) month period.

The minimum wage for factory employees, except learners, is forty cents (40¢) per hour. The minimum wage for learners is at a rate not less than eighty per cent (80%) of the minimum established herein, and the total number of persons so employed by a member of the Industry is not to exceed one in number or five per cent (5%) of the total number of such member's factory workers, whichever is the higher and the period of learning is limited to six (6) months whether served under one or more employers.

The minimum wage for other employees, except office boys and office girls, is fourteen dollars (\$14.00) per week. Office boys and office girls are to be paid not less than eighty per cent (80%) of the minimum established and the total number of such persons employed at less than fourteen dollars (\$14.00) per week by any member of the Industry in any calendar month shall not exceed two (2) in number or five per cent (5%) of the total number of such member's other employees, whichever is the higher. The minimum rate of pay established is to apply, irrespective of whether an employee is actually compensated on a time rate, piecework performance, or other basis. It is also provided that female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

The value of commodities produced by the Organ Manufacturing Industry aggregated, during 1929, \$11,322,726. During 1931 product value declined 49.6 percent under the 1929 total, or to \$5,710,028.

The number of Pipe Organs manufactured in the United States increased from 1,151 in 1919 to 1,767 in 1923, and to 2,471 in 1927. Unit production dropped to 1,695 in 1929. This 31.4 percent drop of 1929 under 1927 was due for the most part to the introduction of sound in motion-picture theaters, which was one of the two main consumer groups. Due to economic conditions, the demand for church organs has diminished to a very low level, as well.

Because of the fact that a pipe organ is not a necessity of life, but a commodity which supplies the cultural wants of mankind, it is not purchased until the more vital needs have been supplied. Not

until prosperity has become well established will this industry experience a real upturn in business with the resultant reemployment of a substantial number of employees.

Wage earners employment declined 38.9 percent from 1929 to 1931. On the basis of the forty (40) hour week, 438 wage earners should benefit through reemployment.

FINDINGS

The Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of a Code.

This Industry has cooperated in a most satisfactory manner with the Administrator in the preparation of this Code. From evidence adduced during this hearing and from recommendations and reports of the various Advisory Boards it is believed that this Code as now proposed and revised represents an effective, practical, equitable solution for this Industry and for these reasons this Code has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JANUARY 16, 1934.

CODE OF FAIR COMPETITION

FOR THE

PIPE ORGAN INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Pipe Organ Industry, and shall be the standard of fair competition for this industry and binding upon every member thereof.

ARTICLE II—DEFINITIONS

1. The term "Pipe Organ Industry" as used herein is defined to include:

(a) Organ builders who manufacture and/or assemble Pipe Organs.

(b) Manufacturers operating a factory for the production of Pipe Organ parts.

2. The term "member of the industry", as used herein, shall mean any person engaged as an employer in the Pipe Organ Industry.

3. The term "employee" as used herein includes any person engaged in any phase of the industry in any capacity receiving compensation for his services, irrespective of the method of payment of such compensation.

4. The term "employer" as used herein includes any one by whom such employee is compensated or employed.

5. The term "learner" as used herein shall mean an employee with less than six (6) months previous experience or employment in this industry.

6. The terms "Act" and "Administrator" as used herein shall mean respectively Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

ARTICLE III—HOURS

1. No factory employee shall be permitted to work in excess of forty (40) hours in any one week; provided, however, that this limit may be extended to a maximum of forty-eight (48) hours in any one week, for a total of not to exceed twelve (12) weeks in any twelve (12) month period; and provided further, that time and one third shall be paid for all hours per week over forty (40).

2. No person employed in clerical or office work or any other employee not elsewhere specifically covered, shall be permitted to work

in excess of forty (40) hours in any one week, except that inventory and statistical employees may be permitted to work a maximum of forty-eight (48) hours in any one week for a total of not to exceed three (3) weeks in any six (6) month period.

3. Watchmen shall be employed in pairs and shall not be permitted to work more than thirty-six (36) and forty-eight (48) hours on alternate weeks or an average of forty-two (42) hours per week.

4. The foregoing stipulations shall not apply to employees in managerial, supervisory, or executive capacities, technicians on research and engineering staffs, who receive thirty-five (\$35.00) dollars or more per week, nor shall they apply to outside salesmen.

5. The foregoing stipulations shall not apply to outside installers and outside service men who shall be permitted to work forty-eight (48) hours per week at the regular hourly rate of pay and where emergencies require overtime, they shall be compensated at the rate of time and one third for all hours in excess of forty-eight (48).

6. No employee shall be permitted to work for a total number of hours in excess of the number of hours prescribed herein, whether he be employed by one or more employers in this or any other industry.

ARTICLE IV—WAGES

1. No factory worker, except learners, shall be paid at a rate less than forty cents (40¢) per hour. No learner shall be paid at a rate less than eighty percent (80%) of the minimum established herein, and the total number of persons so employed by a member of the industry shall not in any case exceed one in number or five percent (5%) of the total number of such member's factory workers, whichever is the higher. The period of learning shall be limited to six (6) months, whether served under one or more employers.

2. No other employees, except office boys and office girls, shall be paid less than fourteen dollars (\$14.00) per week. Office boys and office girls shall be paid not less than eighty percent (80%) of the minimum established and the total number of such persons employed at less than fourteen dollars (\$14.00) per week by any member of the industry in any calendar month shall not exceed two (2) in number or five percent (5%) of the total number of such member's other employees as defined herein, whichever is the higher.

3. This article establishes a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piecework performance, or other basis.

4. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

5. It is the policy of members of this industry to refrain from reducing compensation for employment which compensation was, prior to June 16, 1933, in excess of the minimum wage herein set forth; and all members of this industry shall endeavor to increase the pay of all employees in excess of the minimum wage, as herein set forth, by an equitable adjustment of all pay schedules, unless the same has been accomplished since June 16, 1933. All action taken under this section shall be reported to the Code Authority within thirty (30) days after the effective date of this Code.

6. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at not less than 80% of the minimum wage established by this Code if the employer obtains from the State authority designated by the United States Department of Labor a certificate authorizing his employment. The total number of persons so employed by any employer shall not in any case exceed one in number or 5% of the total number of his employees, whichever is higher. Each employer shall file with the Code Authority a list of all such persons employed by him.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator within sixty (60) days a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly signed by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

2. In compliance with Section 7 (a) of the Act it is provided:

(a) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) That no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing, and

(c) That employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

3. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

4. Every employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment.

5. No provision in this Code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, than are imposed by this Code.

6. If any employer in this industry is also an employer in another industry, the provisions of this Code shall apply to and affect only that part of his business which is included in the Pipe Organ Industry.

7. All systems of contract between employer and employee for the manufacture of any product or part thereof, or for work to be

done at a specific price, and/or by which employees engage other employees to work for them, are prohibited by this Code.

8. All employers shall post and keep posted copies of this Code in conspicuous places accessible to employees.

ARTICLE VI—ORGANIZATION, POWERS, AND DUTIES OF THE CODE AUTHORITY

1. A Code Authority is hereby established to cooperate with the Administrator in the administration of this Code and shall consist of five persons to be selected by the National Association of Organ Builders by a fair method of selection approved by the Administrator. The Administrator in his discretion may appoint not more than three additional members without vote and without compensation, to serve for such period of time and to represent the Administrator or such group or groups as he may designate.

2. Vacancies in the personnel of the Code Authority selected by the industry shall be filled through appointment by the Administrator upon nomination of the Code Authority.

3. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

4. In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act may require an appropriate modification in the method of selection of the Code Authority.

5. Any member of the industry shall be eligible for membership in the National Association of Organ Builders or any other trade association or organized group participating in the activities of the Code Authority upon compliance with the provisions of the bylaws relating to membership, provided that any person applying for membership shall, in addition to the payment of such dues as are imposed upon and paid by all other members, accept a reasonable and equitable share of the cost of code administration. Such members of the industry as do not choose to become members of the National Association of Organ Builders or any other trade association or organized group may participate in the activities of the Code Authority and the selection of members thereof by assenting to and complying with the requirements of this Code and paying to the Code Authority a reasonable share of the expenses of its administration based on volume of business and/or such other factors as may be deemed equitable, as determined by the Code Authority, subject to the disapproval of the Administrator.

6. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member

of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own willful misfeasance or nonfeasance.

7. The Code Authority shall have the following further powers and duties to the extent permitted by the Act, the exercise of which shall be reported to the Administrator, who shall have the right to disapprove of any action taken by the Code Authority.

(a) To administer the provisions of this Code and provide for the compliance of the industry with the provisions of the Act.

(b) To adopt bylaws and rules and regulations for its procedure and for the administration and enforcement of the Code.

(c) To obtain from members of the industry such information and reports as are required for the administration of the Code and to provide for submission by members of such information and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, which information and reports shall be submitted by members to such administrative and/or government agencies as the Administrator may designate; provided that nothing in this Code shall relieve any member of the industry of any existing obligations to furnish reports to any government agency. No individual reports shall be disclosed to any other member of the industry or any other party except to such governmental agencies as may be directed by the Administrator.

(d) To use such trade associations and other agencies as it deems proper for carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To designate the National Association of Organ Builders, or such other agencies as it may select as the agency for administering, supervising, and promoting the performance of the provisions of this Code.

(f) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to the industry.

(g) To secure from members of the industry who assent to this Code and participate in the activities of the Code Authority an equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority and its activities.

(h) To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the industry who have assented to, and are complying with, this Code.

(i) To recommend to the Administrator further fair trade practice provisions to govern members of the industry in their relations with each other or with other industries and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

ARTICLE VII—TRADE PRACTICE RULES

Rule 1. Inaccurate Advertising.—No member of the industry shall publish advertising (whether printed, radio display, or of any other nature) which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any goods (including but without limitation its use, trademark, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content or preparation) or credit terms values, policies, services, or the nature or form of the business conducted.

Rule 2. False Billing.—No member of the industry shall knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

Rule 3. Inaccurate Labelling.—No member of the industry shall brand or mark or pack any goods in any manner which is intended to or does deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content or preparation of such goods.

Rule 4. Inaccurate Reference to Competitors, etc.—No member of the industry shall publish advertising which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies, or services.

Rule 5. Threats of Law Suits.—No member of the industry shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers. Failure to prosecute in due course shall be evidence that any such threat is unwarranted or unjustified.

Rule 6. Interference with Another's Contracts.—No member of the industry shall attempt to induce the breach of an existing contract between a competitor and his employee or customer or source of supply; nor shall any such member interfere with or obstruct the performance of such contractual duties or services.

Rule 7. Additional Trade Practices.—The Code Authority shall submit to the National Association of Organ Builders within thirty (30) days after the effective date of this Code its recommendations for additional trade practices, and such trade practices as are approved by the Association when approved by the Code Authority and the Administrator shall become a part of this Code and shall have the same form and effect as any other provisions of this Code.

ARTICLE VIII—MODIFICATION

1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under said Act.

2. This Code, except as to provisions required by the Act, may be modified or amended on the basis of experience or changes in circumstances, such modifications or amendments to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the Administrator, unless otherwise provided.



ARTICLE IX—MONOPOLIES, ETC.

No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE X—EFFECTIVE DATE

This Code shall become effective on the eleventh (11th) day after its approval by the Administrator.

Approved Code No. 210.
Registry No. 1644-02.

